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"It is necessary to give to the House the details as to what exactly this refers to. This is practically the tail end of the events that led to the rebellion and to the establishment of the courts which had to deal with the matter arising out of the rebellion. An expenditure of about Rs. 12,220 was incurred during the current year on the special courts for the trial of offences which arose out of the Mappilla Rebellion. The Magistrates who sat in these courts were First-class Magistrates of the Deputy Collectors' cadre. No provision was made for this item in the budget as there was no information at that time as to whether the courts would function during the year and if so, for what period. The amount spent on the pay of the Magistrates included a special pay of Rs. 100 for each amounting to Rs. 10,000, and the amount for the establishment came to another Rs. 10,000. A statement of details of this expenditure will be placed on the table. This is the end of that category of expenditure, and I move that this supplementary grant be given."

The motion was put and carried and the grant was made.

V

AMENDMENTS TO STANDING ORDERS.

Rai Bahadur T. M. NARASIMHACHARLU :— "I beg to move that the report of the Select Committee appointed to consider the amendments to Standing Order 44 (1) (i), which is placed on the table * of this House, may be taken into consideration."

The hon. Mr. C. P. RAMASWAMI AYYAR :— "I second the motion."

The motion was put and carried.

Rai Bahadur T. M. NARASIMHACHARLU :— "I move that the two amendments that have been proposed consequential on the amendments to Standing Orders 46 and 49 may be passed at once."

The hon. Mr. C. P. RAMASWAMI AYYAR :— "I second it."

The motion was put and carried, and the amendments were passed.

VI

THE TUTICORIN PORT TRUST BILL.

The hon. the PRESIDENT :— "The Council will now resume consideration of the Tuticorin Port Bill. We have to deal with clause 8."

Mr. P. Peddiraju, who had given notice of the following amendment to sub-clause (1) of clause 8, did not move it :—

Amendment to sub-clause (1), clause 8.

"Add the following as item (f) :—

'(f) or is domiciled in any part of the British Empire or in any British possession in which discrimination is made by statute or by any rule having the force of law against resident Indians as such.'

Rao Bahadur T. A. RAMALINGA CHETTIYAR :— "Sir, in the place of the amendment which was not moved, I beg leave to move the following as sub-clause (f) of clause 8 :—

'or (f) not being an Indian by birth is domiciled in any British possession or Colony as defined in the Interpretation Act of 1889 the laws

* Printed as Appendix V on pages 344-345 infra.

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of which do not confer or recognize rights and privileges in respect of resident Indians which are equal to those conferred or recognized in respect of other residents.

Provided that the decision of the Local Government shall be final as to whether the conditions of the clause are fulfilled."

The hon. the PRESIDENT :—" I understand that this is an amendment of which no notice has been given. It is left to the House in the first place to say whether they would like to discuss the amendment, and then it is for me to accept the amendment, dispensing with the notice."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" May I say a word of explanation ? Yesterday we postponed further discussion of the Bill on the understanding that with reference to this matter we would try to come to some sort of settlement with regard to the wording of this amendment. It is in pursuance of that that I have drafted this amendment for which I now beg the leave of the House as well as your leave."

The hon. the PRESIDENT :—" Do I understand that the House has no objection ? (After a pause) In that case, I will allow the amendment to go forward."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I formally move my amendment. It only reproduces what has been said yesterday. As I said it aims only at those Colonies which do not give equal citizenship rights to Indians resident there and does not aim at Europeans as Europeans or as Colonials generally. So, it is a question of retaliation. This is all that is possible for us to do in the limited circumstances in which we are placed to-day. It is also a matter of self-respect. For these reasons, we should put in a thing like this, so that the Colonials also shall know our feeling.

"With these few words, I beg to move the amendment."

Mr. C. RAMALINGA REDDI :—" I have much pleasure in seconding this."

The hon. Sir CHARLES TODHUNTER :—" Mr. President, before this amendment is put to the vote I should like to state briefly
12-45 p.m. the attitude of the Government with regard to it. And in doing so I would in the first place express my sense of gratitude to the hon. Member who gave notice of the first amendment and to the hon. Member Mr. T. A. Ramalinga Chettiar for the spirit of compromise that they have shown in this matter and for their endeavour to meet the Government in any way that was compatible with their primary desire, which, I take it, is to put their sentiments on record. And if I could accept any amendment to the Bill on the subject in question, I should be only too glad to accept that which is now put forward. My real difficulty in so doing lies, not in the sentiment to which the amendment now gives expression, to which I am sure nobody here will have any objection, but in a fact which lies deeper, namely, that Statutes are not the place to put sentiments on record. It has been suggested that under similar circumstances a British Prime Minister would express his cordial agreement and sympathy with the sentiment to which expression had been given and would accept the placing of an expression of it on record in the Statutes. Well, Sir, I would ask, if that is the case, where are the expressions of those sentiments in the Statutes of the day ? We have in England agitations enough and to spare, but personally I cannot recollect any instance wherein a strong feeling of sentiment has been embodied in a Statute. There are no doubt many gentlemen

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agitated at present about the attitude of France in the negotiations concerning the reparations. But would they move, or would Mr. Ramsay Macdonald accept, an amendment to a statute, let us say, one dealing with the tariff, to the effect that the mixture of coffee and chicory which is sold as French coffee, should no longer be given the name of 'French' or sold under a red white and blue label?"

Mr. C. RAMALINGA REDDI:—"Sir, I like to know whether there are any such differences between the citizens of French extraction and English who might become naturalised in parts of England or France?"

The hon. Sir CHARLES TODHUNTER :—"I venture to think, Sir, that the point raised is hardly relevant to that which I am making. Again, Sir, it is only a year or two ago since we had a vigorous agitation on the subject of the importation of fabric gloves which, if I understand the matter aright, threatened a large industry in England, but do we find the Statutes of the day containing provisions that, for instance, the Board of Guardians at Clerkenwell must, if they wear gloves at all, conduct their business in kid gloves?"

"I venture to think, Sir, that in circumstances similar to those in which I have been placed, an English Prime Minister would adopt the attitude which I have attempted, how feebly I am only too fully conscious, to adopt here, namely, to accept the sentiments, but to ask with all good humour that the Council do not jog the elbow of those in charge of delicate negotiations or place on record an agitation which we all hope will soon be satisfactorily settled.

"My knowledge of Parliamentary proceedings is not sufficiently accurate to enable me quote right off to the House any incident which is directly analogous to that which we are now considering, but I think there is one example from America which will be in the minds of all of us. Did not President Taft in somewhat similar circumstances meet the situation with a sentence of four words, namely, 'Don't rock the boat'? Of course, Sir, I understand that it is useless to make an appeal of that kind to a gentleman --I am sorry he is not present this morning--who describes himself as an agitator, who is, in other words, a professional rocker of the Government boat. And I am sure we all recognize the conscientious vigour with which, in pursuance of his self-imposed task, he tears a passion to tatters upon any and every pretext. But, of course, he does not expect us to take him seriously and, I am sure, we shall not do so. And, I therefore hope that the House, having given vigorous expression to its sentiment, and having received the assurance that the sentiment in question is one to which the Government are in no way opposed, will rest satisfied with that and will leave the delicate negotiations which are in progress in the competent hands to which they have been entrusted, and will not insist on placing on record for future generations to wonder at an expression of sentiment regarding a controversy which, I hope, will be ended long before this generation comes to an end.

"I regret, Sir, that for these reasons I must oppose the motion not because I am in any way at issue with the hon. the Mover as to the question, but because, as I said, statutes are not the place in which sentiments should be recorded."

Diwan Bahadur P. KESAVA PILLAI:—"May I say a word in reply to the manner in which the hon. the Leader of the House has stated the reasons

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of the Government in not accepting the amendment of the hon. Mr. Rama-linga Chettiyar? We all live for sentiment and die for sentiment and I am afraid it is sentiment that is swaying so many people in so many Colonies in making enactments and passing Acts of segregation. I do not know how many . . . ”

The hon. Sir CHARLES TODHUNTER :—“ May I ask my hon. Friend if there is nothing else in those enactments except the question of sentiment ? ”

Mr. C. RAMALINGA REDDI :—“ May I know if there is any country where there is any such distinction made in the Anglo-Saxon race ? ”

Diwan Bahadur P. KESAVA PILLAI :—“ As a matter of fact, Sir, there is no denying the fact that in the Colonies and in the Dominions there has been a discrimination against colour : is it not a question of sentiment there ? There you find it in black and white in enactments and sometimes in the judgments of Supreme Courts of Judicature . . . ”

The hon. Sir CHARLES TODHUNTER :—“ May I ask by way of testing my hon. Friend’s statement whether it is not the fact that, according to the latest American law, a restriction is imposed limiting the number of immigrants of any particular race to a percentage of the number of persons of that race already in the United States without any regard to colour ? ”

Diwan Bahadur P. KESAVA PILLAI :—“ I am quite aware of it, Sir, but may I remind my hon. Friend, the Leader of the House, that it was only recently that the American Supreme Court of Judicature said that the people of India could not have free citizenship in America, because they were not free in their own country. What will you call it ? Would you call that a sentiment or not ? I wonder how the most enlightened people of the modern world would justify it except on the ground of sentiment against coloured peoples. I therefore think that the Leader of the House would do well not to object to the inclusion of this sentiment in the enactment and accept it with grace and pass it.”

The hon. Sir CHARLES TODHUNTER :—“ May I say that I wish, for the sake of the Indians, that the particular enactment in question did no more than express a sentiment ? But I am afraid it goes very much further than that.”

Diwan Bahadur P. KESAVA PILLAI :—“ That is exactly so, and that is why it creates so much trouble and annoyance and loss to the Indians. I do not think that the English Dominion of Canada has been an exception. We have heard of so much about the doings of the white colonists of British Columbia towards their fellow subjects in India, and I do not think my hon. Friend is reasonable in expecting us to accept his explanation that it is only a sentiment and should not be put in the enactments. Let us have a small satisfaction at least of having put our views. It is left to the Government to administer it and they may not put it into force as vigorously as we wish them to put. I appeal to my Friend Mr. Davies to accept the amendment. If the Government will not accept it, I hope all the Members of this House including hon. Members of the European race who have identified themselves with us for so long a time will leave the hon. the Leader of the House alone in the lurch and vote for the amendment (laughter).”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Mr. President, the only point that was raised and is likely to appeal to the House is with regard to

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the negotiations that are going on at the present moment. If as a result of the acceptance of this amendment I am convinced that there will be trouble I would certainly be the first to withdraw it. But the amendment is in general terms and instead of being obstructive to the negotiations it will help those very negotiations by showing that the people are likely to resent any withholding of their rights. It was also said that an enactment like this should not be spoiled by putting into it any sentiment. What is the sentiment? The sentiment expressed is not against any particular colony or person. All that it says is if there is any colony at any time which does not give rise to such a sentiment it won't be affected at all. So I beg to submit that there is nothing at all in the amendment which creates any difficulty in either of the two ways mentioned by the hon. the Leader of the House. So I hope that the amendment will commend itself to the acceptance of the entire House."

The amendment was then put to the House and carried.

1 p.m. Clause 8 as amended was put and carried and added to the Bill.

The Preamble was put and carried and added to the Bill.

The hon. Sir CHARLES TODHUNTER :—"Sir, I now beg to move that the Bill, as amended, be passed into law."

Diwan Bahadur P. KESAVA PILLAI :—"I second it."

The motion was put and carried and the Bill was passed into law.

THE MADRAS IRRIGATION BILL.

Mr. G. F. PADDISON :—"Sir, may I say a few words on this Bill? My chair here is half out and half in, and I am now speaking with permission in my individual capacity and not as a nominated Member of the Government. I beg to say a few words purely and simply as a representative of the depressed classes. The depressed classes may be divided into four kinds. The first is the hill tribes. I do not think even the eloquence of the hon. the Law Member could induce irrigation to run up-hill (laughter). I therefore exclude them. The second is the criminal tribes. My chief business is to deal with the criminal tribes. On this matter I have to point out that the uplift of the criminal tribes depends very largely on the development of irrigation facilities. There has been a strong memorandum in regard to this Bill on behalf of the Kallar community. You will find that the Kallars are divided into two classes: Keelnad Kallars and Melnad Kallars. The Keelnad Kallars have sworn that they will not go back to thieving again and have agreed to lead a peaceful life. We are striving hard by various means for their economic uplift and it is in the interests of the State that it should be done. A great difficulty is felt in this matter. If through this Bill, and it largely depends upon this Bill, we can get the extra water of Periyar river, then and not till then shall we be able to solve the Kallar problem. The Kallar representative will agree with me—I am sorry he is not here—that if we can irrigate the arid tract then immediately we can solve the Kallar problem. Then, again, there are the depressed classes called the untouchables. As you know, the Government have paid special attention to try and uplift them so that they can take